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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 HERMAN FESSEHAI,

14 Defendant.
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Case No. CR16-242RSL

ORDER DENYING MOTION
FOR EARLY
TERMINATION OF
SUPERVISED RELEASE

16 This matter comes before the Court on defendant's "Motion for Early Termination of
17 Supervised Release." Dkt. # 6. Having considered the parties' memoranda, the input of United
18 States Probation, and the remainder of the record, the Court DENIES defendant's motion.

19 Defendant Herman Fessehai pleaded guilty to illegal possession of access devices in
20 violation of 18 U.S.C. § 1029(a)(3), and was sentenced to a term of 27 months' imprisonment
21 and three years of supervised release. Until recently Mr. Fessehai satisfactorily complied with
22 the terms of his supervised release. After a recent authorized trip out of state, however, he tested
23 positive for oxycodone and admitted to his Probation Officer to having used the substance
24 without a valid prescription in violation of the terms of his supervised release. See Dkt. # 9.

25 Under 18 U.S.C. § 3583(e), the Court may, after considering a subset of sentencing
26 factors set forth in 18 U.S.C. § 3553(a), terminate a term of supervised release after at least one
27 year "if it is satisfied that such action is warranted by the conduct of the defendant released and
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1 the interest of justice.” 18 U.S.C. § 3583(e)(1). When deciding whether to terminate supervised
2 release, the Court “enjoys discretion to consider a wide range of circumstances.” United States
3 v. Emmett, 749 F.3d 817, 819 (9th Cir. 2014).

4 The Court concludes Mr. Fessehai’s situation does not warrant early termination of his
5 supervised release given his recent positive test for oxycodone. For that reason, defendant’s
6 motion, Dkt. # 6, is DENIED.

7 DATED this 27th day of March, 2018.

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11 Robert S. Lasnik
12 United States District Judge
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